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**SUBSTITUTE SENATE BILL 6642**

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**State of Washington**

**58th Legislature**

**2004 Regular Session**

**By** Senate Committee on Children & Family Services & Corrections  
(originally sponsored by Senators Stevens, Hargrove, Schmidt,  
Carlson, Mulliken, Hewitt, Roach and McAuliffe)

READ FIRST TIME 02/09/04.

1 AN ACT Relating to case conferences following shelter care  
2 hearings; and amending RCW 13.34.067, 13.34.062, and 13.34.094.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 13.34.067 and 2001 c 332 s 1 are each amended to read  
5 as follows:

6 (1) Following shelter care and no later than twenty-five days prior  
7 to fact-finding, the department(~~(, upon the parent's request or counsel~~  
8 ~~for the parent's request,)) shall facilitate a case conference to  
9 develop and specify in a written service agreement the expectations of  
10 both the department and the parent regarding the care and placement of  
11 the child.~~

12 The department shall invite to the case conference all of the  
13 following who are available: The parents, counsel for the parents, the  
14 foster parents or other out-of-home care provider, caseworker, guardian  
15 ad litem, counselor, or other relevant health care provider, and any  
16 other person connected to the development and well-being of the child.  
17 The department shall notify the parents that they may have up to two  
18 advocates accompany them to the case conference. All available case

1 conference participants must receive written notice at least seven  
2 business days prior to the case conference date, notifying them of the  
3 date, time, and location of the case conference.

4 The initial written service agreement expectations must correlate  
5 with the court's findings at the shelter care hearing. The written  
6 service agreement must set forth specific criteria that enables the  
7 court to measure the performance of both the department and the parent,  
8 and must be updated throughout the dependency process to reflect  
9 changes in expectations. The service agreement must serve as the  
10 unifying document for all expectations established in the department's  
11 various case planning and case management documents and the findings  
12 and orders of the court during dependency proceedings.

13 The court shall review the written service agreement at each stage  
14 of the dependency proceedings and evaluate the performance of both the  
15 department and the parent for consistent, measurable progress in  
16 complying with the expectations identified in the agreement.

17 The case conference agreement must be agreed to and signed by the  
18 parties. The court shall not consider the content of the discussions  
19 at the case conference at the time of the fact-finding hearing for the  
20 purposes of establishing that the child is a dependent child, and the  
21 court shall not consider any documents or written materials presented  
22 at the case conference but not incorporated into the case conference  
23 agreement, unless the documents or written materials were prepared for  
24 purposes other than or as a result of the case conference and are  
25 otherwise admissible under the rules of evidence.

26 (2) At any other stage in a dependency proceeding, the department,  
27 upon the parent's request, shall facilitate a case conference.

28 **Sec. 2.** RCW 13.34.062 and 2001 c 332 s 2 are each amended to read  
29 as follows:

30 (1) The written notice of custody and rights required by RCW  
31 13.34.060 shall be in substantially the following form:

32 "NOTICE

33 Your child has been placed in temporary custody under the  
34 supervision of Child Protective Services (or other person or agency).  
35 You have important legal rights and you must take steps to protect your  
36 interests.

1           1. A court hearing will be held before a judge within 72 hours of  
2 the time your child is taken into custody excluding Saturdays, Sundays,  
3 and holidays. You should call the court at           (insert appropriate  
4 phone number here) for specific information about the date, time,  
5 and location of the court hearing.

6           2. You have the right to have a lawyer represent you at the  
7 hearing. Your right to representation continues after the shelter care  
8 hearing. You have the right to records the department intends to rely  
9 upon. A lawyer can look at the files in your case, talk to child  
10 protective services and other agencies, tell you about the law, help  
11 you understand your rights, and help you at hearings. If you cannot  
12 afford a lawyer, the court will appoint one to represent you. To get  
13 a court-appointed lawyer you must contact:           (explain local  
14 procedure).

15           3. At the hearing, you have the right to speak on your own behalf,  
16 to introduce evidence, to examine witnesses, and to receive a decision  
17 based solely on the evidence presented to the judge.

18           4. If your hearing occurs before a court commissioner, you have the  
19 right to have the decision of the court commissioner reviewed by a  
20 superior court judge. To obtain that review, you must, within ten days  
21 after the entry of the decision of the court commissioner, file with  
22 the court a motion for revision of the decision, as provided in RCW  
23 2.24.050.

24           You should be present at any shelter care hearing. If you do not  
25 come, the judge will not hear what you have to say.

26           You may call the Child Protective Services' caseworker for more  
27 information about your child. The caseworker's name and telephone  
28 number are:           (insert name and telephone number).

29           5. You (~~(may request that the department facilitate)~~) have a right  
30 to a case conference facilitated by the department to develop a written  
31 service agreement following the shelter care hearing. The service  
32 agreement may not conflict with the court's order of shelter care. You  
33 may request that a multidisciplinary team(~~(, family group conference,)~~)  
34 or prognostic staffing(~~(, or case conference)~~) be convened for your  
35 child's case. You may participate in these processes with your counsel  
36 present."

37           Upon receipt of the written notice, the parent, guardian, or legal  
38 custodian shall acknowledge such notice by signing a receipt prepared

1 by child protective services. If the parent, guardian, or legal  
2 custodian does not sign the receipt, the reason for lack of a signature  
3 shall be written on the receipt. The receipt shall be made a part of  
4 the court's file in the dependency action.

5 If after making reasonable efforts to provide notification, child  
6 protective services is unable to determine the whereabouts of the  
7 parents, guardian, or legal custodian, the notice shall be delivered or  
8 sent to the last known address of the parent, guardian, or legal  
9 custodian.

10 (2) If child protective services is not required to give notice  
11 under RCW 13.34.060(2) and subsection (1) of this section, the juvenile  
12 court counselor assigned to the matter shall make all reasonable  
13 efforts to advise the parents, guardian, or legal custodian of the time  
14 and place of any shelter care hearing, request that they be present,  
15 and inform them of their basic rights as provided in RCW 13.34.090.

16 (3) Reasonable efforts to advise and to give notice, as required in  
17 RCW 13.34.060(2) and subsections (1) and (2) of this section, shall  
18 include, at a minimum, investigation of the whereabouts of the parent,  
19 guardian, or legal custodian. If such reasonable efforts are not  
20 successful, or the parent, guardian, or legal custodian does not appear  
21 at the shelter care hearing, the petitioner shall testify at the  
22 hearing or state in a declaration:

23 (a) The efforts made to investigate the whereabouts of, and to  
24 advise, the parent, guardian, or legal custodian; and

25 (b) Whether actual advice of rights was made, to whom it was made,  
26 and how it was made, including the substance of any oral communication  
27 or copies of written materials used.

28 (4) The court shall hear evidence regarding notice given to, and  
29 efforts to notify, the parent, guardian, or legal custodian and shall  
30 examine the need for shelter care. The court shall hear evidence  
31 regarding the efforts made to place the child with a relative. The  
32 court shall make an express finding as to whether the notice required  
33 under RCW 13.34.060(2) and subsections (1) and (2) of this section was  
34 given to the parent, guardian, or legal custodian. All parties have  
35 the right to present testimony to the court regarding the need or lack  
36 of need for shelter care. Hearsay evidence before the court regarding  
37 the need or lack of need for shelter care must be supported by sworn

1 testimony, affidavit, or declaration of the person offering such  
2 evidence.

3 (5) A shelter care order issued pursuant to RCW 13.34.065 may be  
4 amended at any time with notice and hearing thereon. The shelter care  
5 decision of placement shall be modified only upon a showing of change  
6 in circumstances. No child may be placed in shelter care for longer  
7 than thirty days without an order, signed by the judge, authorizing  
8 continued shelter care.

9 (6) Any parent, guardian, or legal custodian who for good cause is  
10 unable to attend the initial shelter care hearing may request that a  
11 subsequent shelter care hearing be scheduled. The request shall be  
12 made to the clerk of the court where the petition is filed prior to the  
13 initial shelter care hearing. Upon the request of the parent, the  
14 court shall schedule the hearing within seventy-two hours of the  
15 request, excluding Saturdays, Sundays, and holidays. The clerk shall  
16 notify all other parties of the hearing by any reasonable means.

17 **Sec. 3.** RCW 13.34.094 and 2001 c 332 s 6 are each amended to read  
18 as follows:

19 The department shall, within existing resources, provide to parents  
20 requesting or participating in a multidisciplinary team, (~~family~~  
21 ~~group~~) case conference, or prognostic staffing(~~(, or case~~  
22 ~~conference,)~~) information that describes these processes prior to the  
23 processes being undertaken.

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